

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

BORIS GOLDENBERG, et al.	)	
	)	Civil No. 1:09-cv-5202-JBS-AMD
	)	
Plaintiffs,	)	
	)	<b>STIPULATION AND ORDER REGARDING</b>
v.	)	<b>FILING OF PLAINTIFFS' AMENDED</b>
	)	<b>COMPLAINTS</b>
INDEL, INC., et al.	)	
	)	
Defendants.	)	
	)	

IT IS HEREBY STIPULATED AND AGREED by and between the parties as follows:

1. Whereas, on November 16, 2011, the Court Ordered Plaintiffs to file their Second Amended Complaint within twenty (20) days of such Order (Doc. No. 122);
2. Whereas, on July 8, 2011, Plaintiffs filed a Motion to Modify the Court's Scheduling Order and a Motion For Leave to File a Third Amended Complaint (Doc. No. 105) ("Motion For Leave to File A Third Amended Complaint"), which sought to amend their complaint to bring an additional claim against the Inductotherm Defendants, and to include the names of defendants that were plead in Plaintiffs' prior complaints as John Doe Defendants;
3. Whereas, Defendants do not oppose the portion of Plaintiffs' Motion For Leave to File A Third Amended Complaint that seeks to name the John Doe Defendants, however, the Inductotherm Defendants do oppose the portion of such motion that seeks to add an additional count against them;
4. Whereas, the Court has yet to rule on whether Plaintiffs may amend their complaint to include the additional count contained in their Motion For Leave to File A Third

Amended Complaint;

5. Whereas, on November 29, 2011, the parties appeared before the Court and Defendants requested that, once the Court rules on whether Plaintiffs may amend their complaint to include the additional count contained in their Motion For Leave to File A Third Amended Complaint, that Plaintiffs then file a single amended complaint that will amend/supplement their current complaint by adding from their proposed Second and Third Amended Complaints, (A) the amendments that are or were authorized by the Court and (B) those amendments which the Defendants did not oppose;

6. Whereas, Defendants made this request because it will result in efficiencies as each Defendant will then only have to file a single answer to an all encompassing amended complaint;

7. Whereas, Plaintiffs consent to this request;

8. Whereas, in light of the parties agreement, they request that: (A) the portion of the Court's November 16, 2011 Order, which required Plaintiffs to file their Second Amended Complaint within twenty (20) days of such Order be vacated; and (B) the Court order that, following its ruling on whether Plaintiffs may amend their complaint to include the additional Count that is currently before the Court, Plaintiffs shall, within twenty (20) days of such Order, file a single amended complaint.<sup>1</sup>

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<sup>1</sup>While Plaintiffs have filed Motions for Leave to file a Second and Third Amended Complaints, given that, pursuant to the Defendants request the amendments from their Second Amended and Third Amended Complaints be incorporated into a single filing, the complaint that Plaintiffs will file pursuant to this Order/Stipulation will be captioned as Plaintiffs' Second Amended Complaint (even though it will contain amendments from a proposed Second and Third Amended Complaint).

WHEREFORE, the parties respectfully request that the Court approve the foregoing

Stipulation by so ordering below.

RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of December, 2011.

/s/ Robert Lakind

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SO ORDERED this \_\_\_\_ day of December, 2011.

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HONORABLE ANN MARIE DONIO  
United States Magistrate Judge